

### **REMARKS/ARGUMENTS**

By this amendment, paragraph [0023] and claims 1, 9, 13 and 14 are amended. Support can be found in Figs. 3~5. No new matter is introduced.

Specification. Paragraph [0023] was amended to correct the error identified in the Office Action. The term “fixture member 32” was amended to --fixture member 31--.

Claim Rejections – 35 USC § 102 and 103. The Office Action rejected claims 1-5, 8, 9, and 12-17 under Section 102(e) as being anticipated by Kondou et al., and the Office Action rejected claims 6, 7, 10, and 11 under Section 103(a) as being unpatentable over Kondou et al. The Applicants respectfully traverse the rejections for the following reasons.

#### **Re claims 1-8**

Kondou et al. fail to disclose or suggest that the first movable member has thereon a slot track and a first end of the second movable member lies on the resilient element and movable inside the slot track. In addition, Kondou et al. fail to disclose or suggest that the first end of the second movable member moves along the slot track of the first movable member toward the first portion of the appliance to urge the resilient element against the first portion of the appliance when the second portion of the appliance is pivoted to cover the first portion of the appliance. In Kondou et al., the first end (11a, 11b) of the fixing member (11), which is cited as the second movable member by the Examiner, moves along a frictional portion (29) and not a slot track. Kondou's frictional portion (29), on the other hand, is not equivalent to the slot track recited in the rejected claims of the present invention. Further, when Kondou's ADF (second portion) 2 is pivoted to cover the copying machine (first portion) 1, the spring (resilient element) 17 becomes parallel to the copying machine and does not urge against the copying machine (see Fig. 4B).

#### **Re claims 9-17**

Kondou et al. fail to disclose or suggest that the resilient element is urged between the first and second pivot points when the second portion of the appliance is pivoted to cover the first portion of the appliance. In Kondou et al. (see Fig. 4B), shaft members 16 and 13, cited by the examiner as the first and second pivot points of the present invention, are disposed at the same side of the spring 17, cited by the examiner as the resilient element of the present invention, when Kondou's ADF (second portion) 2 is pivoted to cover the copying machine (first

portion) 1. Therefore, Kondou's resilient element is not urged between the first and second pivot points when the second portion of the appliance is pivoted to cover the first portion of the appliance as recited in claim 9.

Like the prior art disclosed in the present application, Kondou's resilient element urges against the hinge device in a direction that is likely to loosen or strip off the hinge device from the surface of the copying machine. Therefore, the purpose to be achieved by the configuration of the present invention cannot be achieved by Kondou's hinge device.

In view of the foregoing claimed features that are neither disclosed nor suggested by Kondou et al., Applicants submit that claims 1-17 are not properly anticipated and not obvious from the disclosure of Kondou et al. Applicants request withdrawal of the rejections under Section 102(e) and 103(a).

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,



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